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EXAMINER	
TRAN, HAI V	

ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/866,956	AHMAD ET AL.
	Examiner	Art Unit
	Hai Tran	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

4a) Of the above claim(s) *1-64* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *65-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II, claims 65-84 in the reply filed on 11/03/2005 is acknowledged.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 65-82 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 8, 10, 20, 27, 29, 63, 67, and 75 of U.S. Patent No. 6,263,507.

   Application claims 65 and patent claims 1 and 20 of US Patent No. 6,263,507 are both draw to the same invention, "a method for reviewing a body of audiovisual information...". These claims differ in scope in that application claim 65 is broader in scope than Patent claims 1, 20 of US Patent No. 6,263,507.

Allowance of application claims 65 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claims 1 and 20. Therefore, obviousness type double patenting is appropriate.

Application claim 66 and patent claim 63 of US Patent No. 6,263,507 are both draw to the same invention, "a computer readable medium encoded with one or more computer programs for enabling review of a body of audiovisual information...". These claims differ in scope in that application claim 66 is broader in scope than Patent claim 63 of US Patent No. 6,263,507.

Allowance of application claim 66 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claim 63. Therefore, obviousness type double patenting is appropriate.

Application claim 67 and Patent claims 1, 20 of US Patent No. 6,263,507 are both draw to the same invention, "a system for acquiring and reviewing a body of audiovisual information...". These claims differ in scope in that application claim 67 is broader in scope than Patent claims 1 and 20 of US Patent No. 6,263,507.

Allowance of application claim 67 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by Patent claims 1 and 20. Therefore, obviousness type double patenting is appropriate.

Application claim 68 corresponds to Patent claims 1 and 20.

Application claims 69 and 71 correspond to Patent claims 1, 8, 20, and 27.

Application claim 70 corresponds to Patent claims 1 and 20.

Application claim 72 corresponds to Patent claims 1, 10, 20, and 29.

Application claim 73 corresponds to Patent claims 63 and 75.

Application claim 74 corresponds to Patent claims 63 and 67.

Application claim 75 corresponds to Patent claims 1 and 7.

Application claim 76 corresponds to Patent claims 1, and 10.

Application claim 77 corresponds to Patent claim 1.

Application claim 78 corresponds to Patent claims 1 and 7.

Application claim 79 corresponds to Patent claim 1.

Application claim 80 corresponds to Patent claim 1.

Application claim 81 corresponds to Patent claim 1 with additional limitation "wherein the means for controlling is portable." The use of a portable device for controlling a TV is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Patent claim 1 to have a portable mean for controlling a TV so that user able to control the TV device.

Application claim 82 corresponds to Patent claim 1, with additional limitation "means for enabling wireless communication between the 1st display means and the means for controlling". The use of a portable device with wireless communication, i.e., IR, for controlling a TV is well known in the art. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Patent claim 1 to have a portable mean for controlling a TV so that user able to control the TV device remotely.

If Applicant aggrees that there exists an Obviousness type of Double patenting between the Application No 09/866,956 and Patent No 6,263,507 and since there exists a terminal disclaimer between US Patent 6,263,507 and 6,880,171 the Examiner requests the applicant to provide a terminal disclaimer for each Patent 6,263,507 and 6,880,171.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 65-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasaka et al. (US 5818439).

Claim 65, Nagasaka discloses a method for receiving a body of audiovisual information that can carry with time (Fig. 3), comprising the step of :

Displaying the audiovisual information with a display device (see Fig. 3, el. 110); and

Controlling review of the body of audiovisual information with a user control device (Fig. 1, el. 112) being physically separate from the display device (Fig. 3, el.110 and Fig. 9, el. 130), the user control device 112/132 including a graphical user interface (F,REW, Play icons) for enabling specification of control instructions.

Claim 66, a computer readable medium with computer programs for enabling review of a body of audiovisual information that can vary with time is analyzed with respect to method claim 65.

3. Claims 67-74, 76-77, 79, and 83-84 are rejected under 35 U.S.C. 102(e) as being unpatentable by Wactlar et al. (US 5835667).

Claim 67. Wactlar discloses a system for acquiring and reviewing a body of information, wherein the body of information includes a plurality of segments, each segment representing a defined set of information the body information, the system comprising:

means for acquiring data representing the body of information (Video library 36; Col. 6, lines 50-57);

first display means for generating a display of a first segment of the body of information as the data representing the first segment is acquired by the means for acquiring (Fig. A1; Col. 5, lines 64-65 and Col. 13, lines 52-59);

means for comparing data representing a segment of the body of information to data representing a different segment of the body of information to determine whether, according to one or more predetermined criteria (set of rule), the compared segments are related, i.e. Satellite in Fig. A1 and Fig. 6 with the keyword "Kinex" and "Toy" (Col. 12, lines 45-51; Col. 13, lines 10-59);

second display means (Picture-in-Picture) for generating a display of a portion of, or a representation of, a second segment of the body of information, wherein the second display means

displays the portion or representation the second segment in response to the display by the first display means (Main Screen) of a first segment to which the second segment is related (multiple contiguous video paragraphs relating to the same subject matter; Fig. A-1 and Col. 13, lines 55-59 and Col. 17, lines 30-65). This limitation further meets by Wactlar 's Main screen (1st display means) displays a set of visual icons (table of content) is preferably a representative of a video paragraph/multiple contiguous video paragraphs (1st segment) relating to the same subject matter, i.e. satellite (Col. 13, lines 52-59). In response to the user request/ selection, i.e. 2nd icon of the video paragraph/multiple contiguous video paragraphs (1st segment) is selected by using a mouse (Col. 17, lines 59-65), the Main screen (1st display mean) displays the portion of the video segment (2nd segment) corresponding to the selected 2nd icon of a video paragraph/multiple contiguous video paragraphs (1st segment) in the PIP (second display means).

Claim 68. Wactlar further discloses wherein:

the means for comparing is adapted to determine whether the first segment related to other segments the body of information as the data representing the first segment acquired by the means for acquiring (the compared segments are related, i.e. Satellite in Fig. A1 and Fig. 6 with the keyword "Kinex" and "Toy" (Col. 12, lines 45-51; Col. 13, lines 10-59); and

the second display means (Picture-in-Picture) displays the portion or representation of the second segment during the display of the related first segment by the first display means (reads on the user request/ selection, i.e. 2nd icon of the video paragraph/multiple contiguous video paragraphs (1st segment) is selected by using a mouse (Col. 17, lines 59-65), the Main screen (1st display mean) displays the portion of the video segment (2nd segment) corresponding to the selected 2nd icon of a video paragraph/multiple contiguous video paragraphs (1st segment) in the PIP (second display means; see Fig. A-1).

Claim 69. Wactlar further discloses wherein one or more segments of the body of information have previously been categorized by identifying each of the one or more segments with one or more subject matter categories, the system further comprising means for categorizing the first segment according to subject matter (see Fig. A-1), the means for categorizing comprising:

means for determining the degree of similarity between the subject matter content of the first segment and the subject matter content of each of the previously

categorized segments (the compared segments are related, i.e. Satellite in Fig. A1 and Fig. 6 with the keyword "Kinex" and "Toy" (Col. 12, lines 45-51; Col. 13, lines 10-59);

means for identifying one or more of the previously categorized segments as relevant to the first segment based upon the determined degrees of similarity of subject matter content between the first segment and the previously categorized segments (Fig. A-2; Col. 12, lines 50-Col. 13, lines 25); and

means for selecting one or more subject matter categories with which to identify the first segment based upon the subject matter categories used to identify the relevant previously categorized segments (Col. 13, lines 52-65+).

Claim 70. Wactlar further discloses wherein the means for categorizing adapted to operate as the data representing the first segment acquired by the means for acquiring (Col. 11, lines 54-Col. 12, lines 50; Video library 36; Col. 6, lines 50-57);

Claim 71. Wactlar further discloses wherein the means for determining the degree of similarity comprises means for performing a relevance feedback method (Col. 12, lines 45-58).

Claim 72. Wactlar further discloses wherein:

the means for acquiring data further comprises means for acquiring television broadcast signals; and the first segment is represented by television broadcast signals Col. 6, lines 18-38);

Claim 73. Wactlar further discloses wherein:

the means for acquiring data further comprises means for acquiring computer-readable data over a computer network from an information providing site that is part of the network; and the second segment is represented by computer-readable data (Col. 15, lines 53-Col. 17, lines 25).

Claim 74. Wactlar further discloses wherein the second display means displays text display of a portion or representation of the second segment (see Fig. A-1).

Claim 76. Wactlar further discloses wherein the second segment is represented by television broadcast signals (television Footage; Fig. 1; Col. 6, lines 20-25).

Claim 77, Wactlar further discloses means for selecting a segment for which a portion or representation is displayed by the second display means, wherein selection of such segment (match corresponding video segment) causes the first

display means to display the selected Segment. i.e., text segment "toy and kinex" (see Fig. A2);

Claim 79. Wactlar further discloses means 42 for controlling operation of the system (see Fig. 1);

Claim 83. Wactlar further discloses wherein the means for controlling and the second display means are embodied in the same apparatus (see Fig. 1, el. 42; computer);

Claim 84. Wactlar further discloses wherein the means for controlling comprises a graphical user interface for enabling specification of control instructions (see Fig. A-1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 75, 78, and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wactlar et al. (US 5835667) in view of Stelovsky (5613909).

Claim 75. Wactlar does not disclose the first display means is a television; and the second display means is a computer display monitor.

Stelovsky discloses the use of a computer to perform video authoring while using a TV for displaying the result (Col. 3, lines 10-45; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wactlar to have two types of display device, as taught by Stelovsky, so that user able to use a computer to perform authoring of the video stream and use a TV for viewing the authoring result.

Claim 78. Wactlar does not disclose wherein the first and second display means are physically separate.

Stelovsky discloses the use of two physically separate display device, a computer to perform video authoring while using a TV for displaying the result (Col. 3, lines 10-45; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wactlar to have two types of display device, as taught by Stelovsky, so that user able to use a computer to perform authoring of the video stream and use a TV for viewing the authoring result.

Claim 80. Wactlar does not disclose wherein the means for controlling is physically separate from the first display means.

Stelovsky discloses the use of two physically separate display device, a computer to perform video authoring while using a TV for displaying the result (Col.

3, lines 10-45; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wactlar to have two types of display device, as taught by Stelovsky, so that user able to use a computer to perform authoring of the video stream and use a TV for viewing the authoring result.

Claims 81 and 82 . Wactlar does not disclose wherein the means for controlling is portable.; means for enabling wireless communication between the first display means and the means for controlling.

Official Notice is taken that the use of a portable device with wireless communication, i.e., PC laptop, in well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wactlar in view of Stelovsky' s computer device to be a portable device, i.e., PC laptop, so user able to take the advantage of the usefulness of the PC laptop.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
01/20/2006

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